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FILED

CLERK U.S. DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
LOS ANGELES

2008 MAY -6 PM 1:19

7 Attorneys for Plaintiff ROBERT GOLDSMITH
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10 UNITED STATES DISTRICT COURT

11 CENTRAL DISTRICT OF CALIFORNIA

SJO

CV08-02949 (AGRx)

13 ROBERT GOLDSMITH,) Civil No. **CV08-02949**
14)
15 Plaintiff,) **COMPLAINT FOR DAMAGES AND**
16 vs.) **OTHER RELIEF FOR VIOLATIONS**
17) **OF THE AGE DISCRIMINATION IN**
18 MAJOR, LINDSEY & AFRICA,) **EMPLOYMENT ACT, 29 U.S.C.**
19 LLC; MITSUI & CO. (USA),) **S621, ET SEQ.; AND DEMAND**
20 INC.;) **FOR JURY TRIAL**
21)
22 Defendants.)
23)

24 COMES NOW Plaintiff, ROBERT GOLDSMITH (hereafter
25 "Plaintiff") who demands trial by jury in this matter and
26 complains and alleges as follows:

JURISDICTION & VENUE

1. The jurisdiction of this Court is invoked under the provisions of 28 U.S.C. §1331 and 28 U.S.C. §1343, as an action arising under the laws of the United States, and under provisions of 29 U.S.C. §§626(c)(1) and 633(a), as an action alleging discrimination in violation of the Age Discrimination in Employment Act, 29 U.S.C. §621, et seq.

2. Venue is proper in this district because the majority of, if not all of the wrongdoing as alleged herein occurred in Los Angeles County, California.

PARTIES

3. Plaintiff is an individual who, at all relevant times alleged herein, was over 40 years old.

4. Plaintiff is informed and believes and thereon alleges Defendant MAJOR, LINDSEY & AFRICA, LLC ("MLA") is, and at all relevant times alleged herein was, a limited liability company organized and existing under and by virtue of the laws of the State of Delaware. MLA does business in California.

5. Plaintiff is informed and believes and thereon alleges that Defendant MITSUI & CO. (USA), INC. ("MITSUI") is, and at all relevant times alleged herein was, a corporation organized and existing under and by virtue of the laws of the state of New York, that at all relevant times was doing business in the State of California.

6. Plaintiff is informed and believes that, at all times herein mentioned, each of the Defendants was the agent, employee, servant and/or joint venturer of each remaining Defendant and, in doing the things hereafter alleged, was acting within the course and scope of such agency, employment, servitude and/or joint venture.

Plaintiff is informed and believes that each defendant has ratified, approved and authorized the acts of each of the remaining defendants with full knowledge of said acts, as alleged herein.

7. Plaintiff pleads all of the inconsistent allegations, and prays for all inconsistent remedies in this Complaint, in the alternative to each other, respectively, without electing legal theories and/or remedies.

8. Plaintiff hereby demands a jury trial in this matter for all claims in which a trial by jury is available.

FACTUAL ALLEGATIONS

9. MITSUI describes itself as being engaged in *inter alia* business investment, project development and management, and capital goods leasing and technology transfer, in addition to the traditional businesses of a general trading company such as import, export, off-shore trade and domestic wholesale.

1 10. With regards to the nature of MLA's business,
2 Defendant describes itself as being generally recognized
3 as the world's largest and highest-rated legal search firm
4 for employers, law firms and corporations that finds the
5 best legal talent available.

6 11. MITSUI retained MLA to conduct a search for
7 potential candidates for a legal counsel position at
8 MITSUI in its office located at 601 South Figueroa Street,
9 Los Angeles, California.

10 12. MLA described on its website that the ideal
11 candidate for the legal counsel position at MITSUI would
12 possess 4-8 years experience with a focus on general
13 transactional work, including mergers and acquisitions,
14 securities and drafting/negotiating commercial contracts.

15 13. Plaintiff was qualified for the position. On or
16 about September 13, 2006, Plaintiff submitted his
17 application to MLA for the employment position of counsel
18 at MITSUI.

19 14. On or about October 19, 2006, Plaintiff was denied
20 an interview for the position by MLA and Plaintiff was
21 denied employment by MITSUI by and through MLA.

22 15. Plaintiff is informed and believes that Plaintiff
23 was discriminated against, denied an interview and denied
24 employment for the position by MLA and MITSUI because
25 Plaintiff was and is over 40 years old.

16. On or about October 23, 2006, Plaintiff filed a Charge of Discrimination against Defendants and each of them with the United States Equal Employment Opportunity Commission ("EEOC") alleging *inter alia* that Defendants discriminated against Plaintiff because of his age.

17. On or about February 27, 2008, the EEOC determined there was probable cause to substantiate the allegations set forth in the Charges of Discrimination and that Defendants engaged in conduct that violated the Age Discrimination in Employment Act.

18. The EEOC issued Plaintiff a Right-To-Sue Notice based on the allegations set forth in the aforementioned Charges of Discrimination within ninety (90) days of the filing date of this action.

FIRST CLAIM FOR RELIEF FOR
VIOLATIONS OF FEDERAL AGE DISCRIMINATION IN EMPLOYMENT ACT

(Against All Defendants)

19. Plaintiff realleges and incorporates by reference each and every allegation contained in each and every paragraph above, as though fully set forth at this place.

20. Plaintiff is a covered "person" as this term is defined under the Age Discrimination in Employment Act, ("ADEA") 29 U.S.C.A §621, et seq.

21. MITSUI employs approximately 400 employees and is a covered "employer" as defined under the ADEA.

1 22. MLA employs between 100 to 500 employees and is a
2 covered "employment agency" as this term is defined under
3 the ADEA.

4 23. By acting as alleged herein, Defendants engaged
5 in unlawful employment practices, in violation of the
6 ADEA.

7 24. As a direct and proximate result of Defendants'
8 discriminatory actions against Plaintiff as alleged
9 herein, Plaintiff has suffered general damages, including
10 emotional distress, in an amount according to proof at
11 trial.

12 25. As a further direct and proximate result of
13 Defendants' discriminatory actions against Plaintiff as
14 alleged herein, Plaintiff incurred special damages that
15 include, without limitation, the loss of wages, salary,
16 commissions, benefits, and/or additional amounts of money
17 Plaintiff would have received if Plaintiff had not been
18 unlawfully denied employment. Plaintiff has also
19 suffered the intangible loss of such employment-related
20 opportunities as, including without limitation,
21 experience in the position he would have held and
22 advancement opportunities. As a result of such
23 discrimination and consequent harm, Plaintiff has
24 suffered damages, in an amount according to proof at the
25 time of trial.

26. Plaintiff is informed and believes that Defendants' unlawful conduct, as alleged herein, was all done by or at the direction of officers, directors or managing agents. Alternatively, officers, directors or managing agents of Defendants ratified the wrongful conduct complained of herein.

27. Defendants actions, as alleged herein, were done with malice, fraud and/or oppression. Accordingly, Plaintiff is entitled to an award of exemplary and punitive damages against Defendants, and each of them, in an amount appropriate to punish Defendants for their behavior and in order to set an example for others.

PRAYER FOR RELIEF

Wherefore, Plaintiff prays for judgment against Defendants, and each of them, jointly and severally as follows:

1. For compensatory (general and special) damages, in an amount according to proof at trial;
2. For punitive and exemplary damages;
3. For penalties and interest, as allowed by law;
4. For reasonable attorneys' fees;
5. For costs of suit incurred herein; and
6. For such other and further relief as the court may deem just and proper.

11

1 7. PLAINTIFF HEREBY DEMANDS A JURY TRIAL IN THIS
2 MATTER FOR ALL CLAIMS IN WHICH A TRIAL BY JURY IS
3 AVAILABLE.

4
5 DATED: May 6, 2008

LOEB, KOSACZ & SUNDBERG, LLP

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7 By: 
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9 Lane E. Bender, Esq.
10 Attorneys for Plaintiff,
11 ROBERT GOLDSMITH

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UNITED STATES DISTRICT COURT
 CENTRAL DISTRICT OF CALIFORNIA

ROBERT GOLDSMITH	CASE NUMBER
	CV08-02949 SJO (AGRx)
PLAINTIFF(S)	
v.	
MAJOR, LINDSEY & AFRICA, LLC; MITSUI & CO. (USA), INC.;	
DEFENDANT(S).	SUMMONS

TO: DEFENDANT(S):

A lawsuit has been filed against you.

Within 20 days after service of this summons on you (not counting the day you received it), you must serve on the plaintiff an answer to the attached complaint amended complaint counterclaim cross-claim or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff's attorney, LOEB, KOSACZ & SUNDBERG LLP, whose address is 2801 Townsgate Road, Suite 210 Westlake Village, CA 91361. If you fail to do so, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

Clerk, U.S. District Court

Dated: MAY - 6 2008

By: NATALIE LONGORIA



[Use 60 days if the defendant is the United States or a United States agency, or is an officer or employee of the United States. Allowed 60 days by Rule 12(a)(3).]

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

NOTICE OF ASSIGNMENT TO UNITED STATES MAGISTRATE JUDGE FOR DISCOVERY

This case has been assigned to District Judge S. James Otero and the assigned discovery Magistrate Judge is Alicia G. Rosenberg.

The case number on all documents filed with the Court should read as follows:

CV08- 2949 SJO (AGRx)

Pursuant to General Order 05-07 of the United States District Court for the Central District of California, the Magistrate Judge has been designated to hear discovery related motions.

All discovery related motions should be noticed on the calendar of the Magistrate Judge

=====

NOTICE TO COUNSEL

A copy of this notice must be served with the summons and complaint on all defendants (if a removal action is filed, a copy of this notice must be served on all plaintiffs).

Subsequent documents must be filed at the following location:

Western Division
312 N. Spring St., Rm. G-8
Los Angeles, CA 90012

Southern Division
411 West Fourth St., Rm. 1-053
Santa Ana, CA 92701-4516

Eastern Division
3470 Twelfth St., Rm. 134
Riverside, CA 92501

Failure to file at the proper location will result in your documents being returned to you.

UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA
CIVIL COVER SHEET

I (a) PLAINTIFFS (Check box if you are representing yourself <input checked="checked" type="checkbox"/>) ROBERT GOLDSMITH		DEFENDANTS MAJOR, LINDSEY & AFRICA, LLC; MITSUI & CO. (USA) INC.							
(b) County of Residence of First Listed Plaintiff (Except in U.S. Plaintiff Cases): (c) Attorneys (Firm Name, Address and Telephone Number. If you are representing yourself, provide same.) Lane E. Bender, Esq. (State Bar No. 17 LOEB KOSACZ & SUNDBERG, LLP 2801 Townsgate Road, Suite #210 Westlake Village, CA 91361		County of Residence of First Listed Defendant (In U.S. Plaintiff Cases Only): Attorneys (If Known)							
II. BASIS OF JURISDICTION (Place an X in one box only.)		III. CITIZENSHIP OF PRINCIPAL PARTIES - For Diversity Cases Only (Place an X in one box for plaintiff and one for defendant.)							
<input type="checkbox"/> 1 U.S. Government Plaintiff <input checked="checked" type="checkbox"/> 3 Federal Question (U.S. Government Not a Party) <input type="checkbox"/> 2 U.S. Government Defendant <input type="checkbox"/> 4 Diversity (Indicate Citizenship of Parties in Item III)		PTF Citizen of This State <input checked="checked" type="checkbox"/> 1	DEF <input type="checkbox"/> 1 Incorporated or Principal Place of Business in this State						
		PTF Citizen of Another State <input type="checkbox"/> 2	DEF <input type="checkbox"/> 2 Incorporated and Principal Place of Business in Another State						
		PTF Citizen or Subject of a Foreign Country <input type="checkbox"/> 3	DEF <input type="checkbox"/> 3 Foreign Nation						
		PTF <input type="checkbox"/> 4	DEF <input checked="checked" type="checkbox"/> 4						
		PTF <input type="checkbox"/> 5	DEF <input checked="checked" type="checkbox"/> 5						
		PTF <input type="checkbox"/> 6	DEF <input type="checkbox"/> 6						
IV. ORIGIN (Place an X in one box only.)		6 Multi-District Litigation <input type="checkbox"/> 7 Appeal to District Judge from Magistrate Judge <input type="checkbox"/>							
<input checked="checked" type="checkbox"/> 1 Original <input type="checkbox"/> 2 Removed from State Court <input type="checkbox"/> 3 Remanded from Appellate Court		4 Reinstated or Reopened <input type="checkbox"/> 5 Transferred from another district (specify): _____							
V. REQUESTED IN COMPLAINT: JURY DEMAND: <input checked="checked" type="checkbox"/> Yes <input type="checkbox"/> No (Check 'Yes' only if demanded in complaint.)									
CLASS ACTION under F.R.C.P. 23: <input type="checkbox"/> Yes <input checked="checked" type="checkbox"/> No		MONEY DEMANDED IN COMPLAINT: \$ _____							
VI. CAUSE OF ACTION (Cite the U.S. Civil Statute under which you are filing and write a brief statement of cause. Do not cite jurisdictional statutes unless diversity.) Age Discrimination in Employment Act 29 U.S.C.A §621, et seq. Plaintiff denied employment because of his age.									
VII. NATURE OF SUIT (Place an X in one box only.) <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 15%; vertical-align: top;"> OTHER STATUTES <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce/ICC Rates/etc <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/ Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Act <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Info. 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Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise </td> <td style="width: 15%; vertical-align: top;"> TORTS PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Fed. 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VIII(a). IDENTICAL CASES: Has this action been previously filed and dismissed, remanded or closed? No Yes

If yes, list case number(s):

CV08-02949

FOR OFFICE USE ONLY: Case Number: _____

UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA
CIVIL COVER SHEET

AFTER COMPLETING THE FRONT SIDE OF FORM CV-71, COMPLETE THE INFORMATION REQUESTED BELOW.

/III(b). RELATED CASES: Have any cases been previously filed that are related to the present case? No Yes

If yes, list case number(s): _____

Civil cases are deemed related if a previously filed case and the present case:

Check all boxes that apply) A. Arise from the same or closely related transactions, happenings, or events; or
 B. Call for determination of the same or substantially related or similar questions of law and fact; or
 C. For other reasons would entail substantial duplication of labor if heard by different judges; or
 D. Involve the same patent, trademark or copyright, and one of the factors identified above in a, b or c also is present.

X. VENUE: List the California County, or State if other than California, in which EACH named plaintiff resides (Use an additional sheet if necessary)

 Check here if the U.S. government, its agencies or employees is a named plaintiff.*Los Angeles*

List the California County, or State if other than California, in which EACH named defendant resides. (Use an additional sheet if necessary).

 Check here if the U.S. government, its agencies or employees is a named defendant.*Delaware and New York*

List the California County, or State if other than California, in which EACH claim arose. (Use an additional sheet if necessary)

Note: In land condemnation cases, use the location of the tract of land involved.

Los Angeles

K. SIGNATURE OF ATTORNEY (OR PRO PER):

J. B. S.

Date

5/6/08

Notice to Counsel/Parties: The CV-71 (JS-44) Civil Cover Sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law. This form, approved by the Judicial Conference of the United States in September 1974, is required pursuant to Local Rule 3-1 is not filed but is used by the Clerk of the Court for the purpose of statistics, venue and initiating the civil docket sheet. (For more detailed instructions, see separate instructions sheet.)

Key to Statistical codes relating to Social Security Cases:

Nature of Suit Code	Abbreviation	Substantive Statement of Cause of Action
861	HIA	All claims for health insurance benefits (Medicare) under Title 18, Part A, of the Social Security Act, as amended. Also, include claims by hospitals, skilled nursing facilities, etc., for certification as providers of services under the program. (42 U.S.C. 1935FF(b))
862	BL	All claims for "Black Lung" benefits under Title 4, Part B, of the Federal Coal Mine Health and Safety Act of 1969. (30 U.S.C. 923)
863	DIWC	All claims filed by insured workers for disability insurance benefits under Title 2 of the Social Security Act, as amended; plus all claims filed for child's insurance benefits based on disability. (42 U.S.C. 405(g))
863	DIWW	All claims filed for widows or widowers insurance benefits based on disability under Title 2 of the Social Security Act, as amended. (42 U.S.C. 405(g))
864	SSID	All claims for supplemental security income payments based upon disability filed under Title 16 of the Social Security Act, as amended.
865	RSI	All claims for retirement (old age) and survivors benefits under Title 2 of the Social Security Act, as amended. (42 U.S.C. (g))